IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL No.1024 OF 2004

Shripati Sitaram Patil .. Appellant

versus

Daji Ganu Patil & Ors. .. Respondents

...

Mr.M.R. Suryanwansi for appellant.

None present for respondents.

CORAM : D.G. KARNIK, J

DATED : 7th November 2006

P.C.:

1. Heard learned counsel for the appellant.

2. The respondents filed suit against the appellant for an injunction restraining the appellant from disturbing their possession. The appellant claimed co-ownership of

the property. The trial court as well as lower appellate court has held that the respondents are the only owners of the suit property. Suit property was re-granted to the respondents by the government. Appellant was not a grantee. In the circumstances the findings recorded by the two courts below that the respondents have proved their ownership, is a possible finding of fact, which cannot be interfered with in the second appeal.

3. Both the courts below have also recorded finding of the fact that the respondents are in possession of the suit property. This is also possible finding of the fact.

4. No substantial question of law arises in the second appeal. In the circumstances second appeal is dismissed summarily.

(D.G. KARNIK, J)